

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

3 SARA WINSLOW (DCBN 457643)
4 Chief, Civil Division

5 JULIE C. REAGIN (CABN 167934)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102-3495
9 Telephone: (415) 436-7181
10 Fax: (415) 436-6570
11 Email: Julie.Reagin@usdoj.gov

12 Attorneys for United States of America

13
14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 OAKLAND DIVISION

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 SUSAN ELIZABETH KYLE,

23 Defendant,

24 CALIFORNIA PUBLIC EMPLOYEES'
25 RETIREMENT SYSTEM ("CALPERS"),

26 Garnishee.

27 CASE NO. CR 18-00488-001 HSG

28 WRIT OF CONTINUING GARNISHMENT

29 TO: California Public Employees' Retirement System
30 Attn: Legal Department
31 400 P Street, Room 3340
32 Sacramento, Ca 95811

33
34 **YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE**
35 **UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE**
36 **DEFENDANT-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.**

1 The name, last known address and last four digits of the social security number of the person
2 who is the defendant-judgment debtor (“defendant”) in this action and whose property is subject to this
3 Writ are as follows:

4 Susan Elizabeth Kyle - Reg No: 25265-111
5 FCI Dublin
6 5701 8th Street — Camp Parks
7 Dublin, CA 94568
8 Social Security Number (last four digits): XXX-XX-9961

9 This Writ has been issued at the request of the United States of America to enforce the collection
10 of a criminal judgment entered in favor of the United States against the defendant for a debt in the
11 original amount of \$490,438.00 (consisting of \$490,338.00 in restitution and a \$100.00 special
12 assessment). Interest continues to accrue at a daily rate of \$34.26. There is a balance of approximately
13 \$499,696.51.

14 The following are the steps that you must take to comply with this Writ. If you have any
15 questions, you should consult with your attorney.

16 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or possession
17 any property of the defendant, in which the defendant has a substantial nonexempt interest, or if you
18 obtain custody, control, or possession of such property while this Writ is in effect, you must
19 immediately withhold such property from the defendant and retain it in your possession until you
20 receive instructions from the Court which will tell you what to do with the property. Such property
21 would include, but not be limited to, the retirement allowance payments made to defendant by the
22 California Public Employees’ Retirement System “CalPERS”. With respect to such payments, you must
23 withhold twenty-five percent (25%) of such amount(s) after all deductions required by law have been
24 withheld. See 28 U.S.C. §§ 3205(a) and 3002(9).

25 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10
26 days after service of this Writ upon you. You must answer the Writ even if you do not have in your
27 custody, control, or possession, any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your
28 answer must state, under oath, the following information:

29 a. Whether or not you have in your custody, control, or possession, any property

owned by the defendant in which the defendant has a substantial nonexempt interest, including nonexempt disposable earnings;

- b. a description of such property and the value of such property;
- c. a description of any previous garnishments to which such property is subject and the extent to which any remaining property is not exempt; and
- d. the amount of the debt you anticipate owing to the defendant in the future and whether the period for payment will be weekly or another specified period.

For your convenience, a form which addresses the above-requested information is attached and may be used to answer the Writ.

3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original answer bearing the original signature of the person preparing the answer to the Court at the following address:

Office of the Clerk
United States District Court
1301 Clay Street, Suite 400 S
Oakland, CA 94612

At the same time you mail or deliver the original answer to the Court, you must also mail or deliver a copy of the original answer to both the defendant and attorney for the United States at the following respective addresses:

Susan Elizabeth Kyle - Reg No: 25265-111
FCI Dublin
5701 8th Street — Camp Parks
Dublin, CA 94568

Julie C. Reagin
Assistant U.S. Attorney
450 Golden Gate Avenue, 9th Floor
P.O. Box 36055
San Francisco, CA 94102

Please note that the attached form answer contains a certificate of service which needs to be completed by the person mailing the copies of the answer to the defendant and the attorney for the United States, and which needs to be filed with the Court along with the answer.

1 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN**
2 **ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT**
3 **FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE**
4 **WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE**
5 **THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO**
6 **SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT**
7 **WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S**
8 **NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE**
9 **EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO**
10 **THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN**
11 **THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION**
12 **REQUIRING YOU TO APPEAR.**

13
14 Dated: 12/03/2019



15 By:

16 SUSAN Y. SOONG,
17 Clerk of the Court
18 United States District Court for the
19 Northern District of California
20 *Susan Y. Soong*

21 A handwritten signature in black ink that appears to read "Jessie Mosley".
22 Jessie Mosley
23 Deputy Clerk